

The FCC recently proposed the addition of a "broadcast flag" that would be added in addition to the legislative requirements for digital broadcasts by 2007. Originally perceived as forcing television stations to stay with the times, the legislation of digital broadcasting has mutated into a transparent arm of Hollywood and the major network studios, in addition to being a financial bonanza for the FCC as it recovers billions of dollars worth of spectrum. Unless that spectrum is re-opened for public use (ala CB radio) giving people the analog broadcast airwaves as a public spectrum, these decisions in no way serve the public.

In order for the broadcast flag to work, all non-compliant hardware will need to be illegal. Analog recorders? Illegal. DAC's? Illegal. Honestly, if you want to be foolproof, you'll need to legislate direct-to-brain feeds because, unfortunately for Hollywood, humans are still analog creatures.

Legislating the requirements of digital broadcasts will cost the American people billions of dollars. It'll make Sony, Hitachi, and Toshiba rich as their HDTV receivers and televisions sell in record numbers.

Let's also look at fair-use rights. The American public received the blessing of a Republic when VCR's were considered part of fair use. However, they will need to be illegal come 2007. Anything that can record a copyrighted signal circumvents the new broadcast flag. The DMCA explicitly prevents such hardware from existing. By legislating the broadcast flag, you will, without making any more rulings, force millions of Americans to suddenly become criminals.

Recapping: digital legislation serves only corporate interests, reduces or eliminates the American public's fair use, makes millions of Americans criminals overnight, and will reap the FCC billions in future spectrum sales, eliminating even more of the public-use spectrum in the United States.

America's dream of "freedom of information" is beginning to look less and less real, and more like the dream our forefathers intended to make real in 1787.

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